

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 04, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MONTGOMERY L. S.,¹

Plaintiff,

v.

LELAND DUDEK, ACTING
COMMISSIONER OF SOCIAL
SECURITY,²

Defendant.

NO. 2:24-cv-00390-RLP

ORDER ON STIPULATED MOTION
FOR REMAND

¹ The court identifies a plaintiff in a social security case by only the first name and last initial in order to protect privacy. *See* LCivR 5.2(c).

² On February 18, 2025, Leland Dudek became the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Rules of Civil Procedure, Leland Dudek is substituted for Michelle King as the Defendant in this suit.

1 On March 4, 2025, the parties filed a Stipulated Motion for Remand, ECF
2 No. 13, for a new hearing and decision by an administrative law judge. This
3 motion was submitted for consideration without oral argument. The Court finds
4 that good cause exists to grant the stipulated motion.

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

6 1. The Stipulated Motion for Remand, ECF No. 13, is **GRANTED**. This
7 case is **REVERSED** and **REMANDED** pursuant to sentence four of 42
8 U.S.C. § 405(g) for further administrative proceedings. Upon remand, the
9 administrative law judge is instructed to re-evaluate the record, hold a
10 new hearing as necessary, and take any other action necessary to issue a
11 new decision.

12 2. Upon proper presentation, this Court will consider Mr. S's application for
13 costs, expenses, and reasonable attorney's fees under the Equal Access to
14 Justice Act, 28 U.S.C. § 2412(a), (d).

15 3. All pending motions, hearings and the remaining briefing schedule are
16 **VACATED** as moot.

17 4. The Clerk of Court is directed to enter **JUDGMENT** in favor of Plaintiff
18 and against Defendant.

19 **IT IS SO ORDERED.**

The District Court Executive is hereby directed to file this Order, provide copies to counsel and close the file.

DATED March 4, 2025.



REBECCA L. PENNELL
United States District Judge

ORDER ON STIPULATED MOTION FOR REMAND * 3